

REMARKS

I. Drawings

The Examiner objected to the drawings. A set of substitute figures is submitted with this response. No new matter has been added.

II. Claims

Claims 1-27 are pending in the present application. Claims 1, 5, 18, 22-25, and 27 have been amended. Claims 28-44 have been added. No new matter has been added.

Applicant respectfully requests reconsideration in view of the foregoing amendments and these remarks.

II.1 Rejections under 35 U.S.C. §102

Claims 1-5 and 18-27 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,278,449 to Sugiarto et al. ("Sugiarto"). Applicant respectfully traverses.

Claim 1, as amended, recites a method of preparing an image for downloading. The method includes automatically deriving alternative compression settings including compression settings scaled from the current user settings, and presenting a plurality of variations of the image where each variation is generated using one or more alternative compression settings.

Sugiarto discloses customizing downloading information from a computer network to a portable device (col. 1, lines 13-48). For example, after selecting web page components, a user is allowed to set different compression ratios for downloading the selected portions (col. 6, lines 45-51). Sugiarto shows a single target screen 570 in FIG. 6 and discloses that "a refresh target button 625 is provided so that after manually changing various compression ratios and the like, a user can review in target screen 570 a simulation of what the information [...] will look like" (col. 6, lines 54-58). That is, in Sugiarto, the information is presented to the user only in a form that is generated using compression ratios currently set by the user. Alternatively, Applicant's claimed method recites automatically deriving alternative compression settings including compression settings scaled from the current user settings, and presenting a plurality of

variations generated using the alternative compression settings. Because Sugiarto fails to disclose these limitations, claim 1 is not anticipated by that reference. Therefore, claim 1 is in allowable form.

Claims 2-5 and 18-26 are dependent claims depending from claim 1, and are allowable for at least the same reasons as claim 1.

Claim 27 recites a computer program for preparing an image for downloading, the computer program includes instructions for causing a computer to automatically derive alternative compression settings including compression settings scaled from the current user settings, and to present a plurality of variations of the image where each variation is generated using one or more alternative compression settings. Claim 27 is allowable for at least the same reasons set forth above with respect to claim 1.

II.2 Rejections under 35 U.S.C. §103

Claims 6-8, 16 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sugiarto in view of U.S. Patent No. 6,012,068 to Boezeman et al. ("Boezeman"). Applicant respectfully traverses.

Claims 6-8, 16 and 17 are dependent claims depending from claim 1. As discussed above, Sugiarto does not disclose, or suggest, automatically deriving alternative compression settings including compression settings scaled from the current user settings, and presenting a plurality of variations of the image where each variation is generated using one or more alternative compression settings, as recited by claim 1. Boezeman is equally lacking.

Boezeman discloses a media manager that can access media files, e.g., over the Internet (col. 8, lines 47-60), and create media libraries (col. 10, lines 33-40) where files can be compressed (col. 10, lines 49-65). However, Boezeman fails to disclose or suggest automatically deriving alternative compression settings including compression settings scaled from the current user settings, and presenting a plurality of variations of the image where each variation is generated using one or more alternative compression settings. Because neither Sugiarto nor Boezeman discloses or suggests the above limitations, applicant submits that no *prima facie* obviousness case has been established and claims 6-8, 16 and 17 are in allowable form.

Claims 9-15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Sugiarto in view of U.S. Patent No. 5,748,763 to Rhoads ("Rhoads"). Applicant respectfully traverses.

Claims 9-15 are dependent claims depending from claim 1. As discussed above, Sugiarto does not disclose, or suggest, automatically deriving alternative compression settings including compression settings scaled from the current user settings, and presenting a plurality of variations of an image where each variation is generated using one or more alternative compression settings, as recited by claim 1. Rhoads is equally lacking.

Rhoads discloses hiding an identification code signal, for example, in noise created by image compression techniques such as MPEG or JPEG. However, Rhoads fails to disclose automatically deriving alternative compression settings including compression settings scaled from the current user settings, and presenting a plurality of variations of an image where each variation is generated using one or more alternative compression settings. Because neither Sugiarto nor Rhoads discloses or suggests the above limitations, applicant submits that no *prima facie* obviousness case has been established and claims 9-15 are in allowable form.

II.3 New claims

Claims 28, 29, 30, 31, and 32 recite computer programs claims that depend from claim 27 and are allowable for at least the same reason as claim 27.

Claim 33 recites a computer-implemented method for preparing an image for downloading over a link. The method includes automatically deriving alternative compression settings that are different from received compression settings, and using one or more alternative compression settings to generate a plurality of variations of the image.

Claim 39 recites a computer program for preparing an image for downloading over a link, the computer program including instructions for causing a computer to automatically derive alternative compression settings that are different from received compression settings, and use one or more alternative compression settings to generate a plurality of variations of the image.

As discussed above, none of the cited references discloses or suggests automatically deriving alternative compression settings that are different from received compression settings,

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and using one or more alternative compression settings to generate a plurality of variations of the image. Therefore claims 33 and 39 are in allowable form. Claims 34-38 depend from claim 33 and should be allowed for at least the same reasons as claim 33. Claims 40-44 depend from claim 39 and should be allowed for at least the same reasons as claim 39.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant asks that all claims be allowed. Enclosed is a \$474.00 check for excess claim fees. Please apply any other charges or credits to Deposit Account No. 06-1050.

Ferenc Pazmandi has been given limited recognition under 37 CFR § 10.9(b) as an employee of the Fish & Richardson PC law firm to prepare and prosecute patent applications wherein the patent applicant is a client of Fish & Richardson PC and the attorney or agent of record in the applications is a registered practitioner who is a member of Fish & Richardson, which is the case in the present application. A copy of the Limited Recognition document, which expires December 6, 2003, is attached hereto.

Respectfully submitted,

Date: _____

4/11/2003



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Limited Recognition under 37 CFR § 10.9(b)

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Version with markings to show changes made

In the claims:

Claims 28-44 are new.

Claims 1, 5, 18, 22-25, and 27 have been amended as follows:

1. (Amended) A method of preparing an image for downloading over a link comprising:
receiving a user selection for an image to prepare;
retrieving current user settings reflective of desired settings for compressing the image;
and
automatically deriving alternative compression settings including compression settings scaled from the current user settings; and
presenting a plurality of variations of the image to the user where each variation is generated derived using one or more alternative compression settings ~~that are scaled from the current user settings.~~
2. The method of claim 1, further including estimating an amount of time required to download a given variation to the user where the estimated time is calculated from an assumed transmission rate of the link.
3. The method of claim 1, further including determining a file format for the image and using the current user settings designated for the file format in presenting a representation of the image.
4. The method of claim 3, wherein the step of determining a file format determines an optimum file format for the image based on a predominant nature of the image data.

5. (Amended) The method of claim 4, wherein the step of determining an optimum file format for the image includes determining a predominant form for objects in the image and the step of automatically ~~presenting~~ deriving includes scaling compression settings from the current user settings where the particular settings that are scaled depend on the predominant form of the image.
6. The method of claim 5, wherein the predominant form is selected from the group of photographic and line art.
7. The method of claim 6 further comprising determining if the predominant form is photographic and if so, setting the optimum file format to a JPEG/JFIF format.
8. The method of claim 6 further comprising determining if the predominant form is line-art and if so, setting the optimum file format to a GIF format.
9. The method of claim 4, wherein the step of determining an optimum format includes:
calculating an amount of noise in the image;
setting the optimum file format to a JFIF format if the amount of noise is above a predefined threshold, and otherwise setting the optimum file format to a GIF format.
10. The method of claim 9, wherein the step of calculating an amount of noise includes:
for each pixel in the image,
 comparing a relative color change between the pixel and one or more adjacent pixels to derive relative color change data;
 determining an overall color change for the image using the relative color change data for each pixel; and
 comparing the overall color change to the threshold value.

11. The method of claim 10, wherein the step of comparing the relative color change includes deriving a first set of color change data for a pixel by comparing the color of the pixel with a pixel immediately next in raster order.
12. The method of claim 11, wherein the step of comparing the relative color change includes deriving a second set of color change data for the pixel by comparing the color of the pixel with a pixel at a same location in a next scanline of pixels for the image.
13. The method of claim 12, wherein the step of determining an overall color change includes for each color change data set, summing all the color change data and averaging over the image.
14. The method of claim 9, wherein the step of determining an overall color change includes summing all the color change data for the image and averaging over the image.
15. The method of claim 9, wherein the step of comparing a relative color change determines an actual color difference irrespective of a perceptual color difference.
16. The method of claim 4, wherein the step of determining an optimum file format includes: inspecting the image to determine if any pixel in the image is transparent; and if so, setting the optimum file format to a GIF format.
17. The method of claim 4 wherein the step of determining an optimum file format includes: inspecting the image to determine if the image includes more than one animation frame; and if so, setting the optimum file format to a GIF format.
18. (Amended) The method of claim 1, wherein the step of ~~automatically~~ presenting a plurality of variations includes receiving a user selection that defines a number of ~~automatically~~

~~derived~~ variations that are to be presented to the user and ~~automatically~~ generating the number of variations selected.

19. The method of claim 18 further comprising adjusting the scaling of the current user settings for each variation depending on the number of automatic variations that are to be presented.

20. The method of claim 1 further comprising displaying the image at the current user settings.

21. The method of claim 20 further comprising displaying the image at current user defined compression settings along with three variations in a four-up orientation on an output display device.

22. (Amended) The method of claim 1, wherein a first ~~variation~~ set of compression settings is generated derived by scaling the current user settings and a second ~~variation~~ set of compression settings is derived by scaling ~~the scaled user settings used in deriving~~ the first ~~variation~~ set of compression settings.

23. (Amended) The method of claim 1 further comprising receiving user modifications to the current user settings ~~used to derive a variation and redisplaying the~~ generating a variation of the image at a compression level using the modified user settings.

24. (Amended) The method of claim 23, further including recalculating compression settings for each presented variation of the image using the modified user settings and ~~redisplaying re-generating each variation at a compression level using modified user the~~ recalculated compression settings.

25. (Amended) The method of claim 1, wherein each variation of the image is a smaller and lower quality version ~~of the image when~~ relative to the image produced using the current user settings.

26. The method of claim 1 where the estimated download time is presented along with each variation of the image.

27. (Amended) A computer program for preparing an image for downloading over a link, the computer program includes instructions for causing a computer to:

receive a user selection for an image to prepare;
retrieve current user settings reflective of desired settings for compressing the image; and
automatically derive alternative compression settings including compression settings scaled from the current user settings; and

present a plurality of variations of the image to the user where each variation is derived generated using one or more alternative compression settings ~~that are scaled from the current user settings.~~

28. (New) The computer program of claim 27, further including instructions for causing a computer to:

estimate an amount of time required to download a given variation to the user where the estimated time is calculated from an assumed transmission rate of the link.

29. (New) The computer program of claim 27, further including instructions for causing a computer to:

determine a file format for the image; and
use the current user settings designated for the file format in presenting a representation of the image.

30. (New) The computer program of claim 29, wherein instructions for causing a computer to determine a file format include instructions for causing a computer to:

determine an optimum file format for the image based on a predominant nature of the image data.

31. (New) The computer program of claim 30, wherein instructions for causing a computer to determine an optimum format include instructions for causing a computer to:

calculate an amount of noise in the image;

set the optimum file format to a JFIF format if the amount of noise is above a predefined threshold, and otherwise set the optimum file format to a GIF format.

32. (New) The computer program of claim 31, wherein instructions for causing a computer to calculate an amount of noise include instructions for causing a computer to:

for each pixel in the image, compare a relative color change between the pixel and one or more adjacent pixels to derive relative color change data;

determine an overall color change for the image using the relative color change data for each pixel; and

compare the overall color change to the threshold value.

33. (New) A computer-implemented method for preparing an image for downloading over a link, the method comprising:

receiving one or more compression settings for compressing the image;

automatically deriving alternative compression settings that are different from the received compression settings; and

using one or more alternative compression settings to generate a plurality of variations of the image.

34. (New) The method of claim 33, wherein:

automatically deriving alternative compression settings includes deriving alternative compression settings based on the received compression settings.

35. (New) The method of claim 34, wherein:
deriving alternative compression setting based on the received compression settings
includes scaling the received compression settings.
36. (New) The method of claim 33, wherein:
receiving one or more compression settings includes receiving one or more compression
settings based on user input.
37. (New) The method of claim 33, wherein:
generating a plurality of variations of the image includes generating a variation of the
image using the received compression settings.
38. (New) The method of claim 33, further comprising:
concurrently displaying two or more of the plurality of variations of the image.
39. (New) A computer program for preparing an image for downloading over a link, the
computer program including instructions for causing a computer to:
receive one or more compression settings for compressing the image;
automatically derive alternative compression settings that are different from the received
compression settings; and
use one or more alternative compression settings to generate a plurality of variations of
the image.
40. (New) The computer program of claim 39, wherein instructions for causing a computer
to automatically derive alternative compression settings include instructions for causing a
computer to:
derive alternative compression settings based on the received compression settings.
41. (New) The computer program of claim 40, wherein instructions for causing a computer
to derive alternative compression setting based on the received compression settings include

instructions for causing a computer to:

scale the received compression settings.

42. (New) The computer program of claim 39, wherein instructions for causing a computer to receive one or more compression settings include instructions for causing a computer to:

receive one or more compression settings based on user input.

43. (New) The computer program of claim 39, wherein instructions for causing a computer to generate a plurality of variations of the image include instructions for causing a computer to:

generate a variation of the image using the received compression settings.

44. (New) The computer program of claim 39, further comprising instructions for causing a computer to:

concurrently display two or more of the plurality of variations of the image.